

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

REBECCA KLUG,

Plaintiff,

v.

**Civil Action No.: 3:18-CV-00711
Judge Robert C. Chambers**

**MARSHALL UNIVERSITY
BOARD OF GOVERNORS,
and FARID B. MOZAFFARI, an individual,**

Defendants.

AFFIDAVIT OF DR. JOSEPH I. SHAPIRO

STATE OF WEST VIRGINIA,

COUNTY OF CABELL, TO-WIT:

I, Dr. Joseph Shapiro, being over 18 years of age and being of sound mind, on oath depose and voluntarily state and warrant as follows:

1. I am currently as the Dean of Marshall University Joan C. Edwards School of Medicine.
2. I was employed as the Dean of Marshall University Joan C. Edwards School of Medicine during Dr. Klug's time in the Surgery Resident Program.
3. Dr. Klug was a PGY1 with the Marshall University Joan C. Edwards School of Medicine from July 1, 2013 to June 30, 2014.
4. Dr. Klug was a categorical PGY2 with the Marshall University Joan C. Edwards School of Medicine from July 1, 2014 to June 30, 2015 and from July 1, 2015 to June 30, 2016.

5. Dr. Klug was a post-doctoral research assistant with the Marshall University Joan C. Edwards School of Medicine from July 1, 2016 to December 31, 2018.

6. Dr. Klug appealed the decision of the Clinical Competency Committee and the Ad Hoc Committee affirming the non-renewal of Dr. Klug's residency contract to me for review.

7. In my role as Dean of Marshall University Joan C. Edwards School of Medicine hearing this appeal, I had access to Dr. Klug's academic records and evaluations concerning her clinical performance as well as other information related to her residency.

8. I had a meeting with Dr. Paulette Wehner and Dr. Farid Mozaffari in 2016 regarding the recommendation and decision to non-renew Dr. Klug's contract for the academic year July 1, 2016 through June 30, 2017 in the surgical residency program. Following this meeting, I spoke with faculty members in the surgery department to identify specifically what their impressions were of Dr. Klug and found them to be consistent with Dr. Mozaffari's overall assessment.

9. It was my conclusion that Dr. Klug was not capable of becoming a safe and effective practicing surgeon based on her low level of surgical knowledge and corresponding poor clinical performance.

10. Specifically, Dr. Klug was not able to care for multiple patients at one time as required by a general surgeon. Dr. Klug's knowledge was basic to the point that she had to conduct research on medical issues for each patient she encountered.

11. As a result of Dr. Klug's issues, my professional opinion as the Dean of Marshall University Joan C. Edwards School of Medicine is that Dr. Klug would be a danger to the public if she were practicing as an independent surgeon, and I denied her level 3 appeal because I believed it to be the correct decision.

12. Following Dr. Klug's exhaustion of appeals related to the surgical residency program's decision to non-renew her contract for the academic year July 1, 2016 through June 30, 2017, I offered her a research position in the lab.

13. I felt sympathy for Dr. Klug, following the personal tragedies in her life, and wanted to assist her by offering the research position.

14. At no time was there a promise made by me, or anyone else at Marshall University Joan C. Edwards School of Medicine, to Dr. Klug that she would be accepted back into the surgical residency program at Marshall University.

15. My advice to Dr. Klug upon her accepting the research position, was that she would have more time to study for her ABSITE test to improve her score so she might be marketable to surgical residency programs elsewhere.

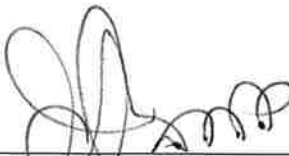
16. I did not, and do not, have the authority to insert trainees into residency programs and that is not a decision I can make as the Dean of the Medical School.

17. After observing Dr. Klug while working in the lab, I observed her to be a linear thinker who could not multi-task. Because of this, she was often overwhelmed and did not perform well while working in the lab.

18. At no time during Dr. Klug's residency or employment with Marshall University Joan C. Edwards School of Medicine, or thereafter, did I ever witness or hear of any sexually or disability motivated actions taken against Dr. Klug.

19. I have never encountered any bias against women in my work in the Marshall University Joan C. Edwards School of Medicine or in the Surgery Residency Program specifically.

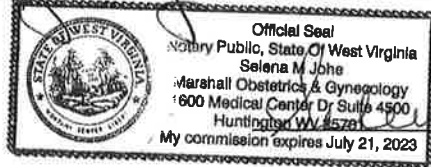
Further the Affiant Sayeth Not.



Dr. Joseph I. Shapiro

Taken, subscribed, and sworn to, before me this 12th day of March 2021.

My commission expires July 21, 2023.





Notary Public